



Larry Salbato
L.E. Vice President

Jason Guagliardo
Det. Vice President

Colorado Fraternal Order of Police®

Pueblo FOP Lodge 7

PO Box 1450
Pueblo, Co 81003
Email: Coloradofopldodge7@yahoo.com



Tommie McLallen
Lodge President

Greetings,

The Fraternal Order of Police in Pueblo represents 202 Deputies and law enforcement employees of the Pueblo County Sherriff's Office. On Monday February 5, 2008, the membership of the Pueblo County Sherriff's Office Fraternal Order of Police voted overwhelmingly to ratify a resolution directing their union leadership to pursue the right to collectively bargain with Pueblo County. As a result of this vote the union leadership was directed to draft a proposed ordinance amending the County Code that will grant Pueblo County Sherriff's employees the right to collectively bargain on benefits and conditions of employment.

Under the Colorado Constitution the only way to get this amendment to the County Code to the voters is for the governing body of County Commissioners to refer the measure out. Under Colorado's constitution, non-home rule county residents are limited in what they may petition their county government to have placed on a ballot of the citizens. Unfortunately this matter of collective bargaining does not meet those criteria.

The Board of Commissioners has been supportive of referring this matter out to the voters of Pueblo County to decide. They do not object to the collective bargaining process. However, the County Attorney has formed an opinion that collective bargaining would be contrary to **C.R.S. 30-2-106 "Undersheriffs and deputies - salaries - report of fees"**, which states: *"Undersheriff and deputy sheriffs shall be appointed by the sheriffs of their respective counties and their salaries shall be paid at least once a month. In all counties, the salaries of the undersheriff and deputy sheriff shall be fixed by the sheriff with the approval of county commissioners."* The County Attorney has interpreted this wording to mean that collective bargaining would be prohibited as a result, and is advising the commissioners to that end.

We completely disagree. As we have stated publicly it is the opinion of the General Counsel of the Fraternal Order of Police, both in Colorado and at the National Level, that the County Attorney's opinion is arbitrary and without legal foundation. In fact C.R.S. 30-2-106 makes no mention of collective bargaining, nor the process involved in determining the wages that the Sheriff eventually will fix. There is a long standing internal process currently in place in Pueblo County government that determines the wages which the Sheriff ultimately sets. It is our opinion that the vagueness of the statute itself was intended to accommodate such a process in order for counties to determine the wages to be "fixed" by the Sheriff for approval by the commissioners. That being the case C.R.S. 30-2-106 does not negate or in any way affect the collective bargaining process if it is granted by the voters. In a collective bargaining environment the Sheriff still will set the wages after the negotiation process is completed and that will be presented to the County Commissioners for approval.

We researched this matter extensively before making our decision to pursue this to a vote of the citizens in this November's General Election. The County Attorney has rendered an opinion based solely on his interpretation of statute. He did this without ever having been given a copy our proposed amendment to review. The fact of the matter is he has no idea what our proposed amendment contains; yet he has been quick to render an opinion and voice that interpretation publicly in an interview with the Pueblo Chieftain newspaper.

Pueblo voters will be asked to allow the union to negotiate, based on the rules set forth in the amendment. The proposed amendment which he has never seen is an important key to the collective bargaining process. It will define how negotiations will take place and what topics may be included in collective bargaining. Management rights will be clearly spelled out. The Sheriff, his administration, and the county will not lose any current statutory authority. The only thing that will change is the process in which some things effecting their employees are determined.

There is no precedent or case law present to support the County Attorney's decision. This interpretation is solely his own, and in all probability shared by others who would object to giving Sheriff's employees the right to collectively bargain with their employer anywhere in Colorado. Considering the manner in which the County Attorney has handled this, we have to question the motives driving his rush to judgment. One has to question the basis of his decision which was made without having all the facts in front of him to review; or even affording himself an opportunity to hear our side in this matter.

As we have stated we believe the commissioners are receiving bad advice on this matter from the County Attorney. At some point in the future we will be presenting the commissioners with our proposal. They have each already stated that they have no objection letting the voters decided if the employees should be extended this right. At this point the only concern is the opinion of the County Attorney which may influence their decision to allow the voters the opportunity to decide this issue.

The community who we are sworn to protect should have their voices heard on whether or not to extend this right to the Sheriffs' employees. The County Attorney has hung his interpretation on a weak and narrow argument solely involving wages. Those of you who understand the collective bargaining process also understand it is about much more than wages. It is about leveling the playing field and sitting across the table from management as equals in an atmosphere of mutual respect ultimately reaching a mutually beneficial agreement on benefits, work-place safety, equal treatment in disciplinary matters, due process, and working conditions.

We are asking your support in asking the commissioners to refer this important matter out to the voters. We need your help. The citizens of Pueblo County, not the County Attorney, should make this decision. Contact the commissioners. Let them know you support this measure and right of the voters of our county decide the issue.

Sincerely,

Tommie McLallen
President Lodge 7
Pueblo County Fraternal Order of Police